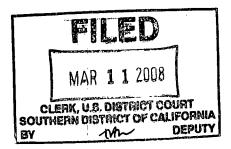
'08 MJ 8214



UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA.

Plaintiff.

Cesar Ernesto FONTES-Lomeli

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about March 10, 2008, within the Southern District of California, defendant Cesar Ernesto FONTES-Lomeli did knowingly and intentionally import approximately 29.08 kilograms (63.97 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent S. Immigration & Customs

Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th, DAY OF MARCH 2008.

STATES MAGISTRATE JUDGE

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UNITED STATES OF AMERICA

Cesar Ernesto FONTES-Lomeli

STATEMENT OF FACTS

This Statement of Facts is based on the reports, documents, and notes furnished to U. S. Immigration and Customs Enforcement Special Agent Brandon Wood.

On March 10, 2008, at approximately 1215 hours, Cesar Ernesto FONTES-Lomeli entered the United States at the Calexico, California West Port of Entry (POE). FONTES was the driver, registered owner, and sole occupant of a 2008 Toyota Tacoma with Mexican license plate number AM-03-145.

During a primary inspection, Customs and Border Protection Officer (CBPO) J. Burgeno noticed a depth discrepancy in the roof of the vehicle. CBPO J. Burgeno escorted both FONTES and vehicle to the vehicle secondary lot for an intensive inspection.

In the vehicle secondary lot, Border Patrol Canine Officer (BPCO) A. Villagran utilized his Human-Narcotics Detector Dog (HNDD) on FONTES' vehicle and the HNDD alerted to the dome light of the vehicle. BPCO A. Villagran informed CBPO J. Burgeno of his HNDD's alert to the vehicle.

CBPO J. Burgeno performed an intensive inspection of the roof area of the vehicle and discovered a non-factory compartment. CBPO J. Burgeno drilled into a non-factory metal plate which revealed a white powdery substance that field tested positive for cocaine, a Schedule II Controlled Substance. A total of twenty seven (27) packages were found in the compartment with a total weight of 29.08 kilograms (63.97 pounds).

Special Agent (SA) Brandon Wood placed FONTES under arrest for violation of Title 21 United States Code 952 and 960, Importation of a Controlled Substance. FONTES was advised of his Constitutional Rights, per Miranda, which he acknowledged and waived.

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FONTES admitted knowledge that a controlled substance was concealed within the vehicle. FONTES stated to SA Wood that he was offered \$2000 to smuggle drugs into the United States by a friend named Salvador GUSMAN. FONTES stated that today's crossing (March 10, 2008) was FONTES' third time smuggling drugs. FONTES was to drive across the border and wait for a call to tell him where to take the vehicle. FONTES was processed, booked, and transported to Imperial County Jail.

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